

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DANIEL GRAHAM,

Plaintiff,

v.

UNITED HEALTHCARE SERVICES,
INC.,

Defendant.

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Case No. 1:21-cv-773

NOTICE OF REMOVAL

Defendant United Healthcare Services, Inc. (“United Health Care”), for the purpose only of removing this cause to the United States District Court for the Western District of Texas, Austin Division, respectfully states as follows:

1. **The State Court Action.** This is an action filed by Plaintiff on August 2, 2021, in the Justice of the Peace Court, Precinct 2, Travis County, Texas, being numbered J2-CV-21-2458, on the docket of said court, and being a suit by Plaintiff to recover damages under the Telephone Consumer Protection Act, 47 U.S.C. § 227.

2. **Original Jurisdiction.** This action is removable under 28 U.S.C. § 1441 on the basis of a federal question. Plaintiff seeks to recover damages under the Telephone Consumer Protection Act, which is a claim exclusively maintainable under 47 U.S.C. § 227. This claim arises under federal law. Consequently, this Court has original jurisdiction under 28 U.S.C. § 1331 and 47 U.S.C. § 227. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 745 (2012) (holding that federal and state courts have concurrent jurisdiction over

private suits arising under the Telephone Consumer Protection Act). Venue is proper in this District and Division under 28 U.S.C. § 1441, as this action was pending in a state court in Travis County, Texas. Defendant was served through its registered agent on August 6, 2021, thus removal is timely under 28 U.S.C. § 1446(b).

3. **State Court Documents Attached.** Pursuant to the Federal Rules of Civil Procedure, a copy of the state court docket sheet and all documents filed in the state court action, separately attached and arranged in chronological order, are attached as Exhibit A. These documents constitute the only pleadings, process, or orders filed in the state court or received by United Healthcare. Finally, pursuant to 28 U.S.C. § 1446(d), a copy of the original Notice of Removal was provided to all adverse parties and filed with the clerk of the state court.

4. **Prayer.** Wherefore, United Healthcare prays that the United States District Court for the Western District of Texas, Austin Division, accept this Notice of Removal, assume jurisdiction of this cause, and grant such other further relief as may be and that it issues such further orders and processes as may be necessary.

Dated: September 1, 2021

Respectfully submitted,

By: /s/ Kristina A. Pierre-Louis
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on September 1, 2021.

Via CMRRR:

Daniel Graham
5812 Mossbrook Trail
Plano, Texas 75252

/s/ Kristina A. Pierre-Louis
Kristina A. Pierre-Louis